

LAW OFFICES  
SIDEMAN & BANCROFT LLP  
ONE EMBARCADERO CENTER, 22<sup>ND</sup> FLOOR  
SAN FRANCISCO, CALIFORNIA 94111-3711

1 RICHARD J. NELSON (SBN 141658)  
E-Mail: *rnelson@sideman.com*  
2 ZACHARY J. ALINDER (SBN 209009)  
E-Mail: *zalinder@sideman.com*  
3 LYNDSEY C. HEATON (SBN 262883)  
E-Mail: *lheaton@sideman.com*  
4 SIDEMAN & BANCROFT LLP  
One Embarcadero Center, Twenty-Second Floor  
5 San Francisco, California 94111-3711  
Telephone: (415) 392-1960  
6 Facsimile: (415) 392-0827

7 Attorneys for Plaintiff  
AVAYA INC.

MATEO Z. FOWLER (SBN 241295)  
E-Mail: *mateofowler@mzflaw.com*  
MZFLAW FIRM, PLLC  
12121 Wilshire Blvd., Suite 805  
Los Angeles, California 90025  
Telephone: (281) 546-5172

Attorneys for Defendants  
DREW TELECOM GROUP, INC. AND  
ANDREW ROACH

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 AVAYA INC., a Delaware corporation,

14 Plaintiff,

15 v.

16 RAYMOND BRADLEY PEARCE, et al.,

17 Defendants.  
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Case No. 3:19-cv-00565 SI

**STIPULATION AND [PROPOSED]  
ORDER RE ENTRY OF PERMANENT  
INJUNCTION AS TO DEFENDANTS  
DREW TELECOM GROUP, INC. AND  
ANDREW ROACH AND DISMISSAL OF  
DEFENDANTS DREW TELECOM  
GROUP, INC. AND ANDREW ROACH  
ONLY**

CASE NO. 3:19-cv-00565-SI

STIPULATED [PROPOSED] ORDER RE: PERMANENT INJUNCTION AND DISMISSAL  
AS TO DREW TELECOM GROUP, INC. AND ANDREW ROACH

1 Plaintiff AVAYA INC. (“Avaya”) and DREW TELECOM GROUP, INC. and ANDREW  
2 ROACH, by and through their counsel of record, hereby **STIPULATE, AGREE**, and request that  
3 the Court **ORDER** the entry of the following permanent injunction and voluntary dismissal.

4 **STIPULATED FINDINGS**

5 WHEREAS, Avaya has a pending civil action in the United States District Court for the  
6 Northern District of California against Defendants Drew Telecom Group, Inc. (“DTGI”) and  
7 Andrew Roach (“Mr. Roach” and together, the “DTGI Defendants”) and other Defendants, which  
8 alleges claims against the DTGI Defendants for trademark infringement, copyright infringement,  
9 unfair competition, and other federal and state law claims, principally related to the alleged theft  
10 of software by Defendant Pearce and the subsequent downstream resale of that software, Case No.  
11 3:19-cv-00565-SI (the “Civil Action”), and whereas the DTGI Defendants deny all such claims  
12 and allegations;

13 WHEREAS, Avaya and the DTGI Defendants have entered a confidential settlement  
14 agreement to resolve the Civil Action, which includes the entry of the following order re stipulated  
15 permanent injunction and dismissal as to the DTGI Defendants (“Order”);

16 WHEREAS, the DTGI Defendants stipulate to the Court’s jurisdiction over them, and  
17 stipulate to the facts necessary to establish jurisdiction over the Civil Action, for purposes of  
18 entering and/or enforcing this Order against them; and,

19 WHEREAS, Avaya stipulates to the voluntary dismissal of the DTGI Defendants with  
20 prejudice only upon entry of this Order pursuant to Fed. R. Civ. Proc. 41(a).

21 **ORDER RE PERMANENT INJUNCTION AND DISMISSAL**

22 Accordingly, the Parties, by and through their counsel of record, hereby **STIPULATE** and  
23 **AGREE**, and request that the Court **ORDER** that the DTGI Defendants, including any officers,  
24 agents, representatives, employees, and all persons in active concert or participation with any of  
25 them who receive actual notice of this Order by personal service or otherwise, shall be forever and  
26 permanently restrained and enjoined from:

2. knowingly buying Avaya products from any Avaya partner for resale to end users or otherwise inducing an Avaya partner to violate its authorized reseller agreement with Avaya.

**IT IS SO STIPULATED.**

SIDEMAN & BANCROFT LLP

MZF LAW FIRM, PLLC

Dated: \_\_\_\_\_

\_\_\_\_\_  
SUSAN ILLSTON  
United States District Judge

STIPULATED [PROPOSED] ORDER RE: PERMANENT INJUNCTION AND DISMISSAL  
AS TO DREW TELECOM GROUP, INC. AND ANDREW ROACH

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**Attestation**

I hereby attest pursuant to Civil Local Rule 5-1(i)(3) that concurrence in the electronic filing of this document has been obtained from the other party signatory above.

DATED: December 29, 2020

SIDEMAN & BANCROFT LLP

By: /s/ Zachary J. Alinder  
Zachary J. Alinder  
*Attorneys for Plaintiff*  
AVAYA INC.